

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending in the present application. Claims 12 and 19 are amended, by the present amendment. Amendments to Claims 12 and 19 correct cosmetic matters of form and therefore do not include new matter or raise new issues.

This amendment is submitted in accordance with 37 C.F.R. § 1.116, which after final rejection permits entering of amendments, canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Office Action, Claims 1-14 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,854,981 to Wallstedt et al. (herein "Wallstedt") in view of U.S. Patent No. 6,728,540 to DeSantis et al. (herein "DeSantis"); and Claims 15-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wallstedt in view of DeSantis and U.S. Patent 6, 289,220 to Spear.

Claims 1-14 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wallstedt in view of DeSantis. Applicants respectfully traverse that rejection.

As noted in the Office Action, Wallstedt, among other things, fails to teach selecting base stations having a second highest or subsequent communication quality level that is lower than a highest communication quality level at each local position where the same base station of interest has the highest communication quality level. In this case, the highest communication quality level is based on the created quality information with respect to each base station at each local position. In addition, Wallstedt fails to teach creating the operation

data indicating the selected base stations as the other base stations related to the base station of interest having the highest communication quality level, as recited in Claims 1, 8 and 22.

The Office Action relies on DeSantis as teaching these features of the present invention not taught in Wallstedt.

According to the invention of Claims 1, 8 and 22, it is possible to enable the handover control in a state where a high communication quality level is maintained, as described on page 5, line 15 to page 7, line 20 of the specification, for example.

However, DeSantis merely proposes a method of handing over a communication with a mobile device in a current cell to another cell in a wireless communication system using potential handover candidates that are determined based on stored adjacency information. In other words, DeSantis transmits information regarding potential handover candidates to the mobile device in the current cell. DeSantis merely mentions the mobile device as being currently on a call with the base station in a current cell and needing the handover candidate information for anticipated handovers. There is no mention of selecting base stations having a second highest or subsequent communication quality level which is lower than a highest communication quality level at each local position where the same base station of interest has the highest communication quality level.<sup>1</sup>

Further, DeSantis processes an attempted handover to one of the potential handover candidates, where the potential handover candidates are determined based on stored adjacency information. In addition, the potential handover candidates associated with the transmitted information are restricted to cells that are contiguous with the current cell. The transmitted information includes frequency and time slot information associated with a beacon, determined to be observable by the mobile, for each of the contiguous cells. Thus,

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<sup>1</sup> DeSantis at column 5, lines 40-43.

DeSantis merely mentions combining information described in preceding passages with the information generated by the mobile concerning the potential handover candidates.<sup>2</sup>

In addition, DeSantis merely mentions measuring the received signal strength (RSS) by the mobile for each of the beacons identified in the handover information transmitted from the base station.<sup>3</sup>

Accordingly, Applicants respectfully submit that DeSantis transmits information regarding potential handover candidates to the mobile in the current cell, and processes an attempted handover to one of the potential handover candidates, where the potential handover candidates are determined based on stored adjacency information, and the potential handover candidates associated with the transmitted information are restricted to cells that are contiguous with the current cell.

Therefore, contrary to the assertions in the Office Action, DeSantis, among other things, fails to teach selecting base stations having a second highest or subsequent communication quality level that is lower than a highest communication quality level. The highest communication quality level in this case is based on the created quality information with respect to each base station at each local position where the same base station of interest has the highest communication quality level. In addition, DeSantis fails to teach creating the operation data indicating the selected base stations as the other base stations related to the base station of interest having the highest communication quality level, as recited in Claims 1, 8 and 22.

It is respectfully submitted that the subject matter of the present invention as recited in Claims 1, 8 and 22 and claims depending therefrom are patentably distinguished over the cited references. Accordingly, Applicant requests that the rejection of Claims 1-14 and 22 under 35 U.S.C. § 103(a) be withdrawn.

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<sup>2</sup> DeSantis at column 5, lines 51-54.

<sup>3</sup> DeSantis at column 5, lines 50-59.

Claims 15-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallstedt in view of DeSantis, and further in view of Spear.

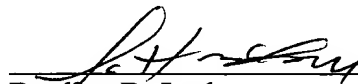
As acknowledged in the outstanding Office Action, Wallstedt and DeSantis do not teach a computer-readable storage medium which stores a program. Furthermore, similarly as discussed above with respect to Claims 1, 8 and 22, Wallstedt and DeSantis fail to teach or suggest the subject matter of the present invention as recited in Claim 15. Accordingly Applicant respectfully requests that the rejection of Claims 15-21 under 35 U.S.C. § 103(a) also be withdrawn.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073  
Scott A. McKeown  
Registration No. 42,866

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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